

ALLTEL CORPORATION

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DOCKET FILE COPY ORIGINAL

May 11, 1998

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, DC 20554

Re: Ameritech Petition for Modification of Certain
LATA Boundaries in Ohio
(Aurora, Northfield and Twinsburg Exchanges)
CC Docket No. 96-159
NSD File No. NSD-L-96-19

Dear Ms. Salas:

Enclosed for filing on behalf of The Western Reserve Telephone Company,
please find an original and four (4) copies of its Response in connection with the above-
referenced matter.

Please contact the undersigned counsel should you have any questions.

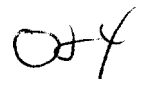
Sincerely,


Carolyn C. Hill

CCH/ss

Enclosures

1 of 10 pages
11-ABODE



**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
)

Ameritech Petition for Modification of)
Certain LATA Boundaries in Ohio)
(Aurora, Northfield and Twinsburg)
Exchanges))
)
)
_____)

CC Docket No. 96-159
NSD File No. NSD-L-96-19

RESPONSE OF THE WESTERN RESERVE TELEPHONE COMPANY

The Western Reserve Telephone Company ("Western Reserve") hereby submits its Response to the Application of Ameritech dated April 20, 1998, in the above captioned matter.

Background

As the Commission is aware, Western Reserve has been attempting to obtain approval of the referenced modification of LATA boundaries for over two and half years. The request involves three exchanges of Western Reserve (i.e., Twinsburg, Northfield, and Aurora) which are associated with the Cleveland LATA. In 1995, as part of a stipulation signed by Western Reserve, Ameritech, AT&T, and others, the Ohio Public Utilities Commission ("Ohio PUC") ordered Western Reserve to provide the subscribers in these three exchanges with one-way, measured, non-optional Extended Local Calling Service ("ELCS") to Akron, Ohio. Ameritech was ordered to file a petition for modification of the LATA boundaries with the Department of Justice.

The petition was still pending at the time of the enactment of the Telecommunications Act of 1996. At the direction of the Ohio PUC, the request was then submitted by Ameritech to the FCC

on November 12, 1996. Comments by interested parties were requested by January 30, 1997. Supporting comments were filed by the Ohio PUC, the Mayor of Macedonia, Ohio, and Western Reserve.

Subsequently, the FCC again requested comment on the petition. Interested parties were asked to file by July 11, 1997 on the question of "whether even without a LATA modification, Ameritech may offer the ELCS route pursuant to Section 274 (b)(4) or if it could provide the service pursuant to any other provision of Section 271." AT&T opposed the request and Western Reserve supported it.

In a Memorandum Opinion and Order adopted July 3, 1997, and released July 15, 1997, the Commission granted twenty-three of twenty-four pending ELCS requests, including a LATA modification in Ameritech's November 12, 1996 petition unrelated to Western Reserve's three exchanges. By way of a footnote, the Commission stated it would address the Ameritech/Western Reserve petition in a separate order. The Commission also adopted guidelines for "future ELCS requests."

On February 17, 1998, the Commission's Network Services Division ("NSD") sent a letter to Ameritech stating that its November 12, 1996 petition did not conform to the new guidelines adopted in the Commission's Memorandum Opinion and Order released July 15, 1997. The NSD stated that the petition must be amended within 60 days to conform to the new guidelines or it would be dismissed. Western Reserve and AT&T were given 14 days to submit any responses. Ameritech did file an application to conform to the new guidelines and to address the NSD's questions. Western Reserve and AT&T were allowed to file their responses by May 11th.

The Public Interest Supports the Grant of the Requested LATA Modification

Western Reserve has reviewed Ameritech's Application and believes that it accurately and responsively addresses the new guidelines and the questions of the NSD. Certain areas, however, require further discussion or emphasis by Western Reserve. Specifically, Western Reserve is cognizant of the Commission's concerns relative to BOC entry into the interLATA markets and its role in interpreting the Section 274 and Section 271 requirements of the Communications Act. Having said that, Western Reserve submits that Commission must remember that the Modification of Final Judgment and the Telecommunications Act of 1996 were not intended to penalize or to hamstring independent telephone companies, such as Western Reserve, in their efforts to provide intrastate telecommunications services to their subscribers. However, that is exactly what has happened to-date.

The ELCS at issue here has been found by the Ohio PUC to be in the public interest. It was part of a stipulation agreed to by all affected carriers, including AT&T, in an Ohio PUC hearing. The requested LATA boundary modification is limited in scope and purpose; it seeks only to allow the subscribers in three exchanges to call Akron on an ELCS basis. A change in LATA association is not the appropriate remedy for the needed service; rather, the solution is a grant of the requested LATA modification in order that there is not a continued disjoint between the subscribers in these three exchanges and their local government and so that continued economic growth in these three exchanges is not adversely impacted. This request stems from the fact that a portion of the Aurora exchange and all of the Twinsburg and Northfield exchanges are located in northern Summit County, Ohio. These three exchanges are associated with the Cleveland LATA. However, the county seat for Summit County is located in the Akron LATA. Consequently, a subscriber in the

three exchanges wishing to contact the Summit County local government offices, must place a toll call to do so. Thus, as reiterated in the Comments of the Ohio PUC filed on January 30, 1997, there is a community of interest between the affected subscribers in the three exchanges and Akron with respect to their local government. Furthermore, as evidenced in Exhibit A, the Mayors of Macedonia, Aurora, Twinsburg, and Reminderville, and the Township Trustee of Sagamore Hills all support ELCS as being a necessary service to meet the needs of their constituents and for their communities to maintain a competitive economic position.

Western Reserve submits that it has been demonstrated that the public interest will be served by a grant of the LATA modification. Further, Western Reserve believes that the Commission can, having considered the limited scope and purpose of this request, act favorably on it pursuant to its authority under Section 153(25) of the Communications Act. Accordingly, Western Reserve respectfully request that the limited LATA modification be granted now.

Respectfully submitted,
The Western Reserve Telephone Company

By: Carolyn C. Hill
Carolyn C. Hill
Its Attorney

655 15th Street, N.W.
Suite 220
Washington, D.C. 20005
(202) 783-3970

Dated: May 11, 1998

EXHIBIT A

April 3, 1998

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M. Street N.W.
Washington, D.C. 20554

Dear Mr. Caton:


This letter is to communicate our collective need for local calling availability from the telephone exchanges of Aurora, Twinsburg, and Northfield, Ohio to Akron, Ohio. The communities we represent are located in these telephone exchanges. We presently have local calling to Cleveland and the Cleveland Metro area. The continued availability of this service is imperative for the needs of our constituents to be met, and for our communities to maintain a competitive economic position.

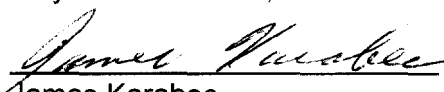
We began the process in December 1992 to secure local calling to the Akron, Ohio area. Presently, a call to county government offices is a long distance call. Additionally, continued economic growth hinges on the approval of our case to implement local calling to Akron.

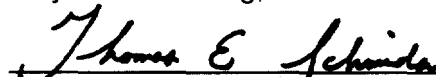
Our case, CC Docket 96-159, was approved by the Public Utilities Commission of Ohio, and is pending approval by the Federal Communications Commission. It is our understanding, that the only reason this service has not been approved to date, is because these calls would cross an existing LATA boundary. Our case only proposed one way calling from our communities to Akron, a service that we feel is necessary.


We appreciate your consideration of this case.


Sincerely,


Joseph Miglioni
Mayor - Macedonia, OH


James Karabec
Mayor - Twinsburg, OH


Thomas Schmida
Mayor - Reminderville, OH


Margaret Duncan
Mayor - Aurora, OH


Paul Schweikert
Township Trustee - Sagamore Hills, OH

attachment (1)

Aurora City Hall
130 S. Chillicothe Rd.
Aurora, OH 44202

Mayor James Karabec
Twinsburg City Hall
10075 Ravenna Rd.
Twinsburg, OH 44087

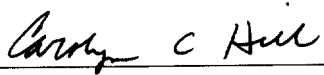
Mayor Joseph Migliorini
Macedonia City Hall
9691 Valley View Rd.
Macedonia, OH 44056

Mr. Paul Schweikert
Township Trustee
Sagamore Hills
13551 Valley View Rd.
Sagamore Hills, OH 44067

Mayor Thomas Schmida
Village of Reminderville
3601 Glenwod Blvd.
Reminderville, OH 44202

CERTIFICATE OF SERVICE

I, Carolyn C. Hill, do certify that on May 11, 1998 copies of the foregoing Response of The Western Reserve Telephone Company were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid, to the persons listed below:



Carolyn C. Hill

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Assistant Attorney General
Public Utilities Section
Public Utilities Commission
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180 East Broad Street
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* by hand